



The County of San Diego

Zoning Administrator Hearing Report

Date:	March 21, 2019	Case/File No.:	San Luis Rey Wireless Minor Use Permit Modification; PDS2018-ZAP-96-029W2; PDS2018-ER-96-02-019B
Place:	County Conference Center 5520 Overland Avenue San Diego, CA 92123	Project:	Wireless Telecommunication Facility
Time:	9:00 a.m.	Location:	3419 East Vista Way, Bonsall
Agenda Item:	#4	General Plan:	Semi-Rural (SR-2)
Appeal Status:	Appealable to the Planning Commission	Zoning:	Limited Agriculture (A70)
Applicant/Owner:	PlanCom, Inc. on behalf of American Tower, LLC.	Community:	Bonsall Community Plan Area
Environmental:	CEQA §15303 Exemption	APN(s):	126-331-18, -19, -24

A. EXECUTIVE SUMMARY

1. Requested Actions

This is a request for the Zoning Administrator to evaluate the proposed Minor Use Permit (ZAP) Modification to add to an existing wireless telecommunication facility, determine if the required findings can be made and, if so, take the following actions:

- a. Adopt the Environmental Findings included in Attachment D, which includes a finding that the project is exempt from the California Environmental Quality Act (CEQA).
- b. Grant ZAP PDS2018-ZAP-96-029W2, make the findings, and impose the requirements and conditions as set forth in the Form of Decision (Attachment B).

2. Key Requirements for Requested Actions

- a. Is the proposed project consistent with the vision, goals, and policies of the General Plan?
- b. Does the project comply with the policies set forth under the Bonsall Community Plan?
- c. Is the proposed project consistent with the County's Zoning Ordinance?

- d. Is the project consistent with the County's Wireless Ordinance?
- e. Does the project comply with CEQA?

B. DEVELOPMENT PROPOSAL

1. Project Description

The site is an approved, operating wireless telecommunication facility as permitted under a Minor Use Permit (P96-029). On October 18, 1996, the Director of the Department of Planning and Land Use (DPLU) approved the ZAP 96-029 for a 200-square-foot concrete block auxiliary building and a 40-foot radio telecommunications system (one-way paging and two-way mobile communication service). Additionally, pursuant to Section 4813 of the Zoning Ordinance, the ZAP granted an exception to the required height from 35 feet to a maximum of 53 feet.

On February 20, 2001, the Director of DPLU approved a Minor Use Permit Modification (ZAP 96-029W1), authorizing the construction, operation and maintenance of 12 panel antennas on the existing 48-foot tall monopole and an additional equipment cabinet.

The original ZAP for this facility was not designed with a faux facility and, therefore, was subject to the amortization schedule to bring the facility to conformance with the Wireless Ordinance. The applicant requests a ZAP Modification to remove the existing 48-foot tall monopole, and construct, operate, and maintain a 50-foot tall faux mono-broadleaf tree wireless telecommunication facility on a residential property in Bonsall.

The proposed faux mono-broadleaf tree will include the installation of 12 panel antennas and 12 Remote Radio Units (RRUs). The antennas and RRUs will be mounted at a maximum height of 44 feet to the proposed 50-foot tall faux mono-broadleaf as shown in Figures 1 and 2. The facility includes an existing emergency backup generator that is located within the equipment enclosure. The 200-square foot Concrete Masonry Unit (CMU) enclosure will also house the proposed equipment cabinets. The CMU enclosure is designed as a storage shed to blend in with the existing agricultural landscape, and will use earth-tone paint. Access is provided by a private asphalt driveway connecting to East Vista Way (private road).

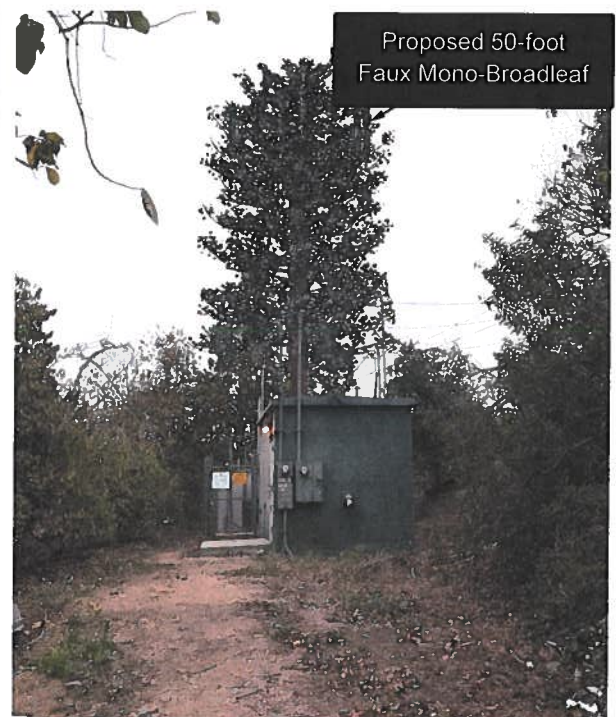


Figure 1: View of existing site (left) and proposed facility (right) looking north on the property.

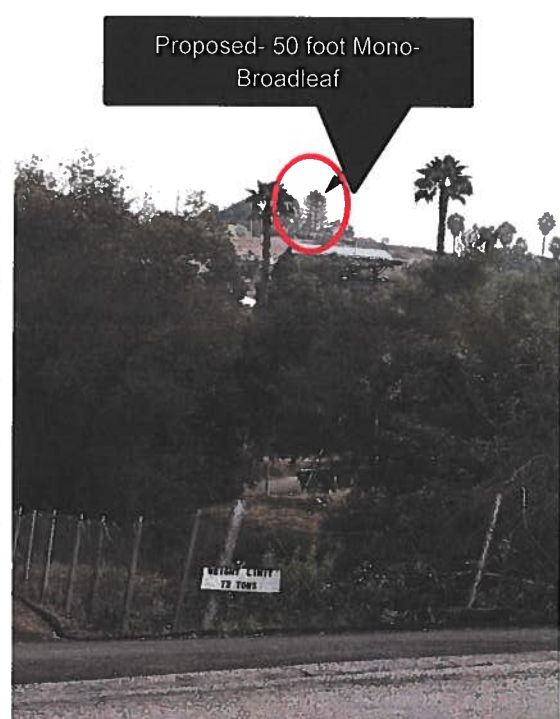
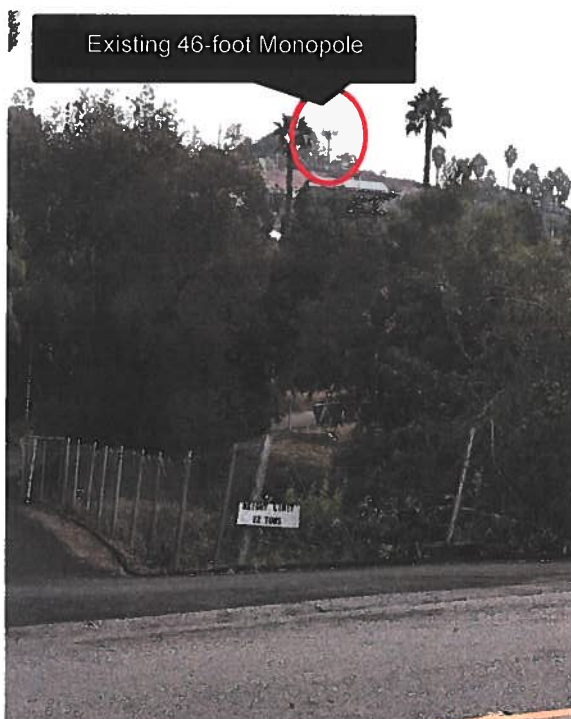


Figure 2: View of existing site (left) and proposed facility (right) from looking northeast from Lagunita Lane.

2. Subject Property and Surrounding Land Uses

The subject property is 4.2 acres located at 3419 East Vista Way, in the Bonsall Community Plan Area. The site is currently developed with a single-family residence, a reservoir and two agricultural buildings (see Figure 3). The project site is surrounded by single-family residences and sits atop a large hill. The nearest off-site residence is 175 feet to the south. Surrounding land uses can be characterized as rural and includes residential and agricultural use types (see Figure 3). The proposed facility is located approximately 20 feet from the property line.

Table B-1: Surrounding Zoning and Land Uses

Location	General Plan	Zoning	Adjacent Streets	Description
North	Semi-Rural Residential(SR-2)	RR/A70	Lagunita Lane	Residential, Agriculture
East	Rural Residential (RR), Limited Agricultural (A70)	A70	Fairview Circle	Residential
South	Limited Agricultural (A70)	RR/A70	Evergreen Lane, Chumash	Residential
West	Limited Agricultural (A70)	A70	Mission Ave	Residential, Agriculture

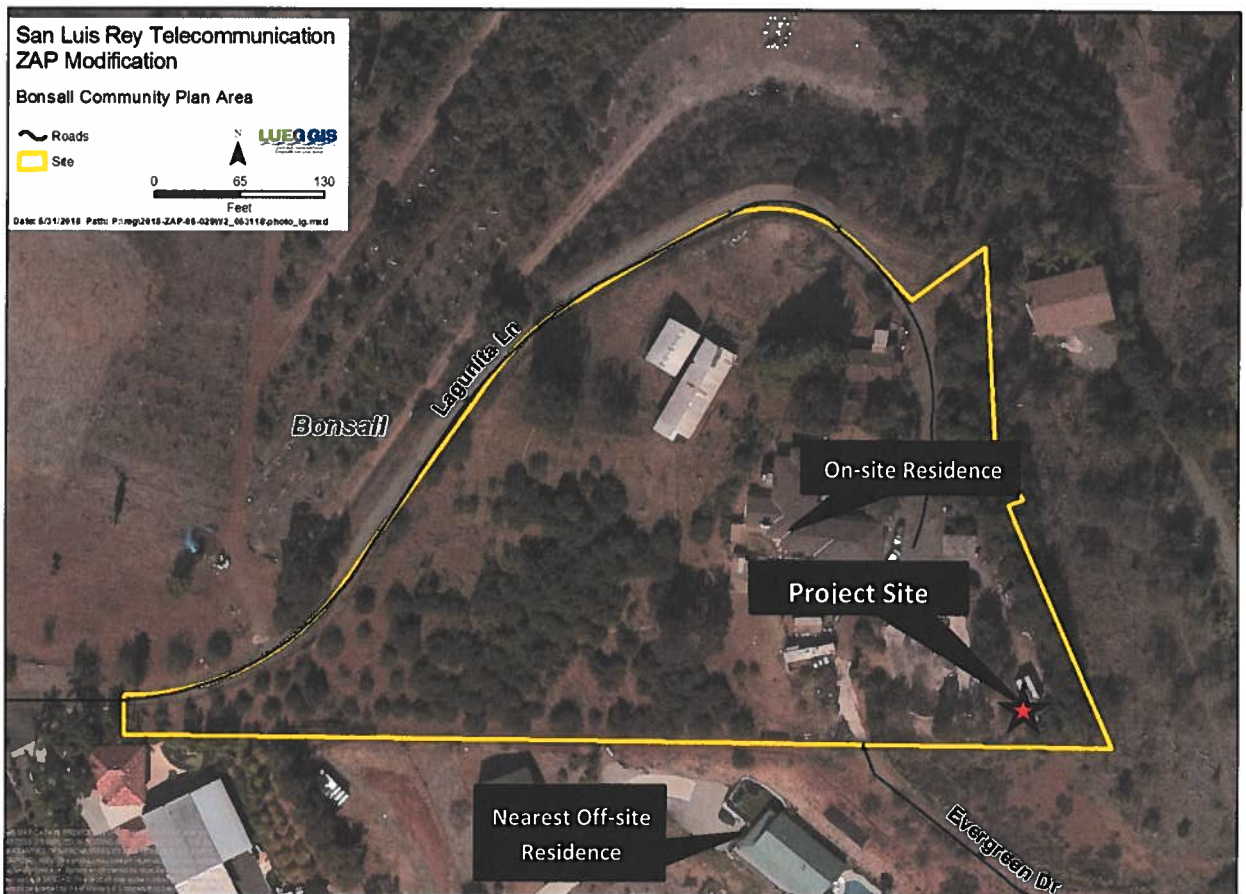


Figure 3: Aerial Photograph

C. ANALYSIS AND DISCUSSION

The project has been reviewed to ensure it conforms to the relevant ordinances, policies and guidelines, including the San Diego County General Plan, Bonsall Community Plan, the County's Zoning Ordinance, and CEQA Guidelines. The following items were reviewed throughout the project's processing and are detailed below: Site Planning Analysis, Community Compatibility, and Alternative Site Analysis (ASA).

1. Analysis

The project is located in a non-preferred zone. The project would amend Minor Use Permit (ZAP 96-029), which was approved prior to adoption of the Wireless Ordinance. The previously approved Modification was not designed as a faux facility and, therefore, does not comply with the Wireless Ordinance. The existing 48-foot monopole will be removed and the project proposes to construct a 50-foot faux mono-broadleaf tree. The proposed project would be conforming to the amortization policy set forth in Section 6991 of the Wireless Telecommunications Facilities Ordinance.

Community Compatibility

The proposed wireless telecommunication facility is designed to match the surrounding mature trees approximately 30-feet to 65-feet in height in the immediate area. The existing CMU enclosure has an earth-tone color which is similar to the adjacent accessory structures located onsite. A field visit by staff determined that the proposed 50-foot mono-broadleaf tree would be compatible with the surrounding land uses and existing agricultural structures because the design, location, and surrounding elements match the bulk and scale of the proposed project. There are existing trees of similar height and bulk of the proposed faux mono-broadleaf tree as seen in Figures 1, 2 and 3.

The surrounding area has rolling topography with hills around the project site. The existing facility is visible to residents southwest of the site. However, due to the rolling topography, the proposed antennas and CMU enclosure would be camouflaged along a backdrop of existing mature trees. Additionally, the closest residence to the project site is located approximately 175 feet to the southwest. Those property owners will have limited views of the proposed wireless telecommunication facility due to the surrounding mature vegetation.

Views from the nearest public road, East Vista Way, to the proposed wireless telecommunication facility, will be buffered by the rolling topography and mature trees. Therefore, it can be found that views from East Vista Way would not be significantly affected by the proposed wireless telecommunication facility.

Alternative Site Analysis (ASA)

The proposed wireless telecommunication facility is designed to provide increased cellular service to the surrounding area and allow the applicant to provide broader coverage to surrounding residents, drivers, businesses, and visitors. The site is zoned Limited Agricultural (A70) which is a non-preferred zone per the County Zoning Ordinance and, therefore, requires an Alternative Site Analysis (ASA). The applicant reviewed other potential sites within the area before deciding to pursue this location

and submitted an ASA to demonstrate that coverage objectives could not be met in another preferred location or a preferred zone.

The applicant explored the option of locating the facility within a preferred zone – industrial or commercial – but found that within the intended coverage area there are no industrial or commercial zones. The surrounding area is primarily agricultural and residential zoning and land uses. The nearest commercially zoned parcel is located at 30924 Mission Road, roughly two miles away from the subject property. The commercial property would not reach the intended coverage area along East Vista Way.

Other existing structures were evaluated including utility poles, water tanks, and other non-residential land uses. Due to the area terrain, the lack of structures with an appropriate height within the coverage area, technical infeasibility, and distance, these various structures were eliminated from consideration. Further information detailing the ASA analysis can be found in Attachment F.

Amortization

The existing wireless telecommunication facility is located in a rural residential zone, is defined as a “high-visibility” facility, and has a fair market value of \$100,000 - \$500,000. As discussed in the following section, the continued use of the wireless telecommunication facility is recommended because no preferred site or co-location opportunity was found within the coverage area. The original ZAP for this facility was not designed with a faux facility and therefore was subject to the amortization schedule to bring the facility to conformance with the Wireless Ordinance. The applicant requests a ZAP Modification to remove the existing 48-foot tall monopole, and construct, operate, and maintain a 50-foot tall faux mono-broadleaf tree wireless telecommunication facility. The proposed facility does not currently impact visual resources in the surrounding area because it is screened by existing mature trees as seen in Figure 1 and 2. ZAP findings have been made to support the operation of the proposed 50-foot tall faux mono-broadleaf tree.

The Geographic Service Area (GSA) maps shown in Figures 4a and 4b illustrate the projected area coverage without the existing facility and the current coverage within the area respectively. The GSA maps provided by the applicant demonstrate that the proposed location is necessary for the carrier to close the coverage gap in the surrounding area and provide adequate service. All GSA maps can also be found in Attachment F.

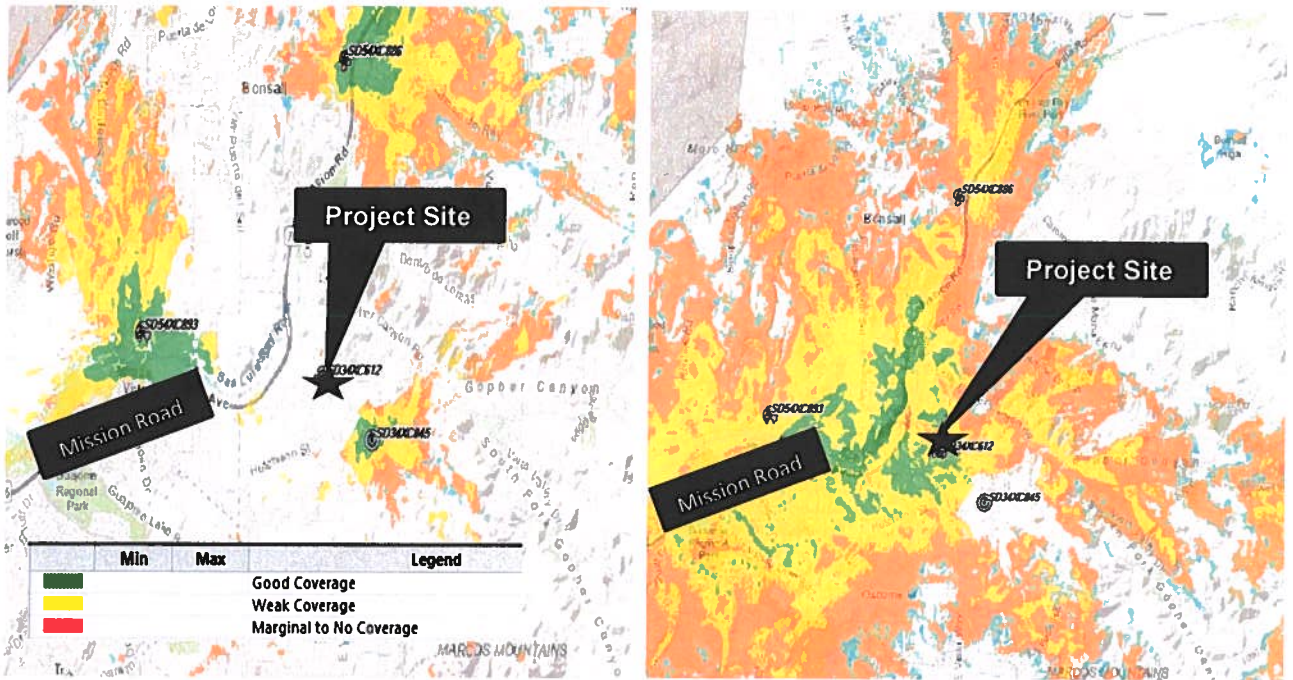


Figure 4.a.: Existing Coverage without proposed project (left) and Coverage with proposed project (right).

2. General Plan Consistency

The site is subject to the General Plan Semi-Rural (SR-4) land use designation. The proposed project is consistent with the following relevant General Plan goals, policies, and actions as described in Table C-1.

Table C-1: General Plan Conformance

General Plan Policy	Explanation of Project Conformance
GOAL S-1 – Public Safety. Enhanced public safety and the protection of public and private property.	The proposed project will allow for increased coverage throughout the area, which is essential in the event of an emergency.
GOAL S-2 – Emergency Response. Effective emergency response to disasters that minimizes the loss of life and damage to property, while also reducing disruption in the delivery of vital public and private services during and following a disaster.	The proposed project will minimize telecommunication interruptions by improving coverage in the area. Additionally, there is a back-up generator to allow the wireless telecommunication facility to operate in the event of a power outage. The noise produced by the existing emergency has been evaluated and is determined to emit an acceptable level of noise and would not exceed the 45 dBA requirement at the property line.

General Plan Policy	Explanation of Project Conformance
<p>POLICY COS 11.1 – Protection of Scenic Resources. Require the protection of scenic highways, corridors, regionally significant scenic vistas, and natural features, including prominent ridgelines, dominant landforms, reservoirs, and scenic landscapes.</p>	<p>The proposed project will not be visible from any State Scenic Highways. The proposed facility has been designed to have the appearance of a faux mono-broadleaf tree, and is similar to other mature trees in the area. The proposed telecommunication facility will be camouflaged behind a row of existing mature trees, maintaining the rural community character achieved with the faux mono-broadleaf tree. Furthermore, the surrounding area contains sloped terrain and mature vegetation which will help buffer and screen the proposed wireless telecommunication facility and equipment enclosure from private viewsheds throughout the area. Drivers using East Vista Way would have limited views of the proposed wireless telecommunication facility, as it would be far away and would blend in with the existing landscaping and terrain. Therefore, the new wireless telecommunication facility and CMU enclosure would not adversely affect a scenic resource.</p>
<p>POLICY COS 11.3 – Development Siting and Design. Require development within visually sensitive areas to minimize visual impacts and to preserve unique or special visual features, particularly in rural areas.</p>	<p>The proposed project was sited and designed to minimize the view from surrounding land and road by using the existing wireless telecommunication facility. The applicant pursued various alternative sites within the area; however, none could produce the same coverage as the proposed location. Sloping terrain surrounding the site will help buffer and screen potential visual impacts and help blend the wireless telecommunication facility into the existing setting.</p>
<p>POLICY LU 15.1 – Telecommunication Facilities Compatibility with Setting. Require that wireless telecommunication facilities be sited and designed to minimize visual impacts, adverse impacts to the natural environment, and are compatible with existing development and community character.</p>	<p>The proposed project will be compatible with the existing community character because the proposed antennas have been sited and designed to blend in with existing landscape and the proposed faux mono-broadleaf tree. As identified in the photo-simulations, the sloped terrain and mature trees will help screen the CMU enclosure and help minimize the views of the facility from public vantage points. For these reasons, the wireless telecommunication facility would blend with the visual setting in the vicinity, be compatible with the existing community character, and would not result in impacts to the natural environment.</p>

General Plan Policy	Explanation of Project Conformance
POLICY LU 15.2 – Co-Location of Telecommunication Facilities. Encourage wireless telecommunication services providers to co-locate their facilities whenever appropriate, consistent with the Zoning Ordinance.	The applicant provides co-location opportunities on the proposed facility, thereby satisfying this policy.

3. Community Plan Consistency

The proposed project is consistent with the following relevant Bonsall Community Plan goals, policies, and actions as described in Table C-2.

Table C-2: Bonsall Community Plan Conformance

Community Plan Policy	Explanation of Project Conformance
Policy LU-6.2.2 – Require all wireless telecommunication companies to provide a photocopy of all types of camouflage methods prior to submission of cell site projects.	The design of the project is a faux mono-broadleaf tree, which complies with the guidelines of the Bonsall Community Plan as it is a camouflaged as a tree type which is permitted in the design regulations.
Policy LU-6.2.4 – Use all avenues and efforts to pursue an increase in the number and diversity of services, while minimizing the proliferation of new towers and infrastructure.	The proposed project would provide wireless service coverage for nearby residences as well as emergency services and a telecommunication safety network for motorists on nearby public roadways. The project could allow a separate wireless carrier to co-locate on the wireless telecommunication facility, thereby eliminating the need for a separate future facility.

4. Zoning Ordinance Consistency

a. Development Regulations

The proposed project complies with all applicable zoning requirements of the Limited Agricultural (A70) zone with the incorporation of conditions of approval (See Table C-3). The Zoning Administrator should consider whether or not the included conditions of approval ensure compatibility of the proposed project with the surrounding properties and overall community character.

Table C-3: County Zoning Ordinance Development Regulations

CURRENT ZONING REGULATIONS		CONSISTENT?
Use Regulation:	A70	Yes, with issuance of ZAP
Animal Regulation:	M	N/A
Density:	-	N/A
Lot Size:	2 Acres	Yes
Building Type:	C	Yes
Height:	G	Yes, with issuance of ZAP
Lot Coverage:	-	N/A
Setback:	W	Yes
Open Space:	-	N/A
Special Area Regulations:	-	N/A

Development Standard	Proposed/Provided	Complies?
Section 4600 of the Zoning Ordinance sets the maximum height requirements. This parcel has a designated height of "G" which requires structures to be no more than 35-feet in height.	The applicant is proposing a 67-foot tall faux mono-eucalyptus tree which exceeds the height limit for the zone. Pursuant to Section 4620(g) of the County Zoning Ordinance, the height of the wireless facility is permitted to exceed the maximum height requirements when, a Minor Use Permit granted an exemption to the height regulations.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Section 4800 of the Zoning Ordinance requires that the project meet the "W" setback requirements of a 60-foot front yard setback, 60-foot side yard setback, 60-foot exterior side yard setback, and a 25-foot rear yard setback.	The project meets all required setbacks beyond those for which an exception was previously granted. The proposed wireless telecommunication facility would be located 20 feet north of the closest residential property line.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

b. Wireless Telecommunications Facilities

By federal law, the County is prohibited from regulating the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of Radio Frequency (RF) emissions if the facilities comply with the Federal Communications Commission (FCC) regulations concerning RF emissions. Therefore, County decision-makers do not consider comments or information concerning potential health effects or other environmental effects when determining whether to approve permits for cellular facilities. Also, staff does not require information from the applicant concerning such effects from RF emissions associated with the project. Information regarding potential health effects is available from the cellular providers upon request as it is required from the FCC.

The County is preempted by the Federal Telecommunication Act from considering RF emissions when reviewing the proposed location of cellular facilities. Therefore, staff does not require

information from the applicant on potential health effects from RF associated with the project. Generally, this information is available from the cellular providers upon request as it is required by the FCC.

Table C-4: Wireless Ordinance Development Regulations

Development Standard	Proposed/Provided	Complies?
Section 6985.C.4 of the Wireless Telecommunications Ordinance requires that a minimum 50-foot setback for a telecommunication tower when it is placed adjacent to a residential use.	The project complies with the 50-foot setback requirement through a setback reduction that was previously granted.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Section 6985.C.5 of the Wireless Telecommunication Ordinance prohibits the placement of a telecommunication tower or equipment in the front, rear, or side yard setback.	The proposed antennas and CMU enclosure would be placed outside all required setbacks.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Section 6985.C.2 of the Wireless Telecommunication Ordinance requires that the equipment accessory to a facility not exceed 10 feet in height unless a greater height is necessary to maximize architectural integration and the facility is screened by landscaping.	The project includes a CMU enclosure with a height of ten feet. Mature trees along the southern and western property line would provide screening of the equipment and wireless telecommunication facility from residential views.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Section 6985.C.6 of the Wireless Telecommunication Ordinance states that noise from any equipment supporting the facility shall meet the requirements of the County's Noise Ordinance on an average hourly basis.	The project site is zoned Limited Agricultural (A70), and is subject to the most restrictive one-hour average sound level limit of 45 decibel (dBA) at the project property lines pursuant to the County Noise Ordinance Section 36.404. Noise producing equipment consists of an emergency back-up generator. The generator unit would produce noise levels which would not exceed the 45 dBA requirement at the property line and thereby comply with the County Noise Ordinance.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

5. California Environmental Quality Act (CEQA) Compliance

The project has been reviewed for compliance with CEQA and qualifies for a categorical exemption under CEQA Section 15303. Section 15303 exempts the installation of small new equipment and facilities in small structures. It has been determined that the project is not in an environmentally sensitive location, will not have a cumulative effect on the environment, is not on a hazardous waste

site, will not cause substantial change in the significance of a historical resource, and would not result in damage to a scenic highway.

D. COMMUNITY PLANNING GROUP

The project site is located in the Bonsall Community Plan Area that is not represented by a Design Review Board. On July 11, 2018, the Bonsall Community Sponsor Group (CSG) recommended approval of the project by a vote of 4-0-0 (Ayes – 4; Noes – 0; Abstain – 0; Absent – 3; Vacant – 0). The CPG Minutes are found in Attachment E, Public Documentation.

E. PUBLIC INPUT

No phone calls or written comments were received recently as a result of the public notices sent at the time of the project application.

F. RECOMMENDATIONS

Staff recommends that the Zoning Administrator take the following actions:

1. Adopt the Environmental Findings included in Attachment D which include a finding that the project is exempt from CEQA.
2. Grant ZAP PDS2018-ZAP-96-029W2, make the findings, and impose the requirements and conditions as set forth in the Form of Decision in Attachment B.

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DARIN NEUFELD, CHIEF

ATTACHMENTS:

Attachment A – Planning Documentation
Attachment B – Form of Decision Approving PDS2018-ZAP-96-029W2
Attachment C – Environmental Documentation
Attachment D – Environmental Findings
Attachment E – Photo-Simulations, Photos, Geographic Service Area Map, and Alternative Site Analysis
Attachment F – Public Documentation
Attachment G – Ownership Disclosure